In The United STATES DISTRICT Court
For The District OF Delaware

James W. Riley,

Plaintiff,

U.

C. A. No. 06-01-Gms

Stanley Taylor, et al.,

Defendants

Motion To Compel Ruling On Plaintiff DISTRICT COURT DISTRICT OF DELAWARE

Motion For Reconsideration Of the Courts

Decision Denying Plaintiff's Motion

For Preliminary Injunction And Temporary

Restaining Order

Dear Judge Sleet,

The defendants wrote two letters to the Court dated November 3, 2006 And November 13, 2006, Advising the Court that they have taking Adequate Steps to provide plainTiFF with the treatment ordered by physicians Nearly two years Ago to have his eyes examined by an optometrist And Fulfillment of an prescription For orthopedices Foot—wear. The Letters Also indicate that a Dr. Rodger will or had examine plainTiFF on November 3, 2006, to resolve any remaining medical care issues; and that plaintiFF was treated on November 10, 2006, AT which time Snellen and Rosenbaum examinations were performed on his eyes.

This is to inform the court that plaintiff have not been seen by doctor Rodgers or any other doctor. However, on November 10, 2006 (Hereafter II) 10/06) plaintiff was seen by a nurse who only performed a 2-minute eye examination which results are attached to defendants' November 13, 2006; Letter. (Note: Those results contain both eye examinations from January 2005 and November 2006. The 2005 Snellen long distance test on plaintiff's right eye went from 20/200 to 20/400 in 2006. The only close-up Rosenbaum test conducted on plaintiff's left eye is actually 20/400 rather than 20/40 as erroneously noted on the 2006 examination report, because the Nurse did not require plaintiff to cover the right eye when performing this close-up test.).

The court should also take Notice that on the Physician's Order Sheet attached to defendants' 11/13/06 Letter (also Attached hereto), in Sections entitle: "Start New Orders Below", the impression is wrongfully given that Dr. Rodgers personally supervised the II/10/06 eye examinations conducted by the Nurse. Again, plaintiff never seen Dr. Rodgers or any other doctor in 2006!

Finally the defendants' STATED in their 11/13/06 LETTER ... " prescriptions written prior to that time were by a prior medical provider under their policies"; And that ... " It is NOT the policy OF CMS to provide high top SNEAKERS!"

This is direct evidence establishing CMs' liability For maintaining a policy and practice to deny prisoners Adequate medical CARE. Thus as argued throughout

plaintiff's Summary judgment plendings, because Cms assumed the original contract as medical provider for Doc From the First Correctional Medical Company (Fcm) it replaced in 2005 then it was their duty to Fulfill any prior prescriptions, orders, requests or unfinish medical treatment by doctors contracted by Fcm. Nor is it reasonable for Cms to state that it is not their policy to provide high top Sneakers which were prescribed by physicians for medical reasons. Such a policy and practice is direct evidence Cms does not provide adequate orthopedic foot care and have devied plaintiff access to orthopedic treatment prescribed by doctors over a period of three years.

Continued Pain, Suffering, Irreparable Harm And Injuries

The defendants have demonstrated a willful persistent and blatant disregard For plaintiff's serious medical needs which continue to result in constant pain & suffering and irreparable harm & injuries. Defendants continue to be deliberate indifference for Failure to 1) provide treatment for a painful rectum dysfunction which now resulted in hemorrhage; 2) provide treatment for a re-occurring skin infection caused possibly by exposure to necrotizing fasciitis bacteria resulting in continued facial skin and tissue danage & scarring; 3) provide orthopedic footwear (both sneakers & boots) prescribed by doctors to prevent pain and harm to surgical pins

in ankle; and 4) carry out physicians' orders to Allow plaintiff to consult an optometrist For impair eye vision which continue to result in pain, suffering and irreparable optical nurve damage and declining impair eye sight.

This court without Further delay must grant this motion For reconsideration to issue a preliminary injunction on the defendants directing them, their agents and custodians having charge over plaintiff, to provide plaintiff medical treatment, immediately, and to impose judicial sanctions against Them For each day For Failing to comply therewith

James W. Riley
Plaintiff

(DATE: December 13, 2006

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Certificate of Service

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